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**NOTIFICATION OF ZONING HEARING EXAMINER'S DECISION**

DATE OF DECISION: January 31, 1989  
HEARING EXAMINER: Gregory A. Rapisarda  
RE: Zoning Appeal Case No. 3740  
APPLICANT: Harford County Central Alarm  
LOCATION: Lapidum Road, near MD Route  
155, Havre de Grace  
REQUEST: Use and area variances to  
construct a communications  
tower and service building

Enclosed is an official copy of the Hearing Examiner's decision relative to the above referenced case.

The Hearing Examiner's decision shall become final twenty (20) calendar days after the date of the decision (FEBRUARY 21, 1989), unless a written request for final argument before the County Council/Board of Appeals is filed before the expiration of the twenty (20) calendar day period by the Applicant/Applicant's Attorney, Opponents/People's Counsel, or a person aggrieved who was a party to the proceedings before the Hearing Examiner. In addition, any Board Member, upon written notice to the Secretary of the Council, may request final argument.

COUNTY COUNCIL OF HARFORD COUNTY

Doris Poulsen  
Secretary of the Council

ds

Enclosure

cc: Applicant/Attorney  
Opponents/Attorney  
Adjoining Property Owners  
Registered Hearing Attendees  
Department of Planning and Zoning  
Department of Law  
People's Counsel

BOARD OF APPEALS CASE NO. 3740	*	BEFORE THE
APPLICANT: Central Alarm	*	ZONING HEARING EXAMINER
REQUEST: Use and area variances	*	OF HARFORD COUNTY
to construct a communications		
tower and building; Lapidum Road,	*	
near MD Route 155, Havre de Grace	*	Hearing Advertised
	*	Aegis: 12/22/88 & 12/29/88
HEARING DATE: January 23, 1989	*	Record: 12/21/88 & 12/28/88
	*	

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### ZONING HEARING EXAMINER'S DECISION

On November 9, 1988, the Applicant, Harford County Central Alarm, applied for a use variance to permit the construction of a 170 foot self-supporting UHF Tower, and an 8 foot by 10 foot service building in the R1 District. The Applicant also requested a setback variance of not more than 188 feet for the tower from the minimum lot line and setback variances of not more than 80 feet from the side and rear yard requirements for the service building.

According to the application, "Central Alarm, an agency of Harford County, Maryland, is charged with maintaining a communication system for volunteer fire and ambulance companies within the County." A hearing was held on January 23, 1989. At the hearing, it was disclosed that the property is owned by the City of Havre de Grace and the County would be leasing a portion of the property for the proposed tower and service building.

James W. Terrell testified with regard to the uses of the emergency system. Motorola Corporation, the consultant to the County, recommended that the ultra-high band frequency tower be constructed at the proposed location. Mr. Terrell testified that there are some void areas throughout the County and it is necessary to construct the tower in order to have proper communication with the City of Havre de Grace. He testified that the site is unique with regard to its location and topography, and the tower is mandatory for public safety.

Case No. 3740 - Harford County Central Alarm

He stated that Central Alarm has experienced problems in the past getting communication signals to and from Harford Memorial Hospital and the various nursing homes within the City of Havre de Grace. This proposed tower gives good coverage for the I-95 corridor and is considered a public safety utility. He testified that Central Alarm proposes to erect the 170 foot self-supporting tower and a small 8 foot by 10 foot building to house the microwave equipment. The site is presently secured by a fence and is the present site of the City of Havre de Grace water tower. Access would be from Lapidum Road. The service building would be unmanned. He testified that the proposed tower would be 12 feet from the north lot line and 12 feet from the east lot line. There would be no adverse impact upon surrounding properties.

Captain Leftwich, of Central Alarm, Mr. Wagner, and Mr. Dougherty, testified in favor of the proposed tower. They testified that the construction of the tower would not impair the value of adjacent parcels and would create a practical hardship if the variances to construct the tower are not granted.

The Department of Planning and Zoning, in its Staff Report, dated January 7, 1989, has recommended that the application be granted, indicating that the request will serve the best interest of the community and the County as a whole.

With regard to the use variance, the testimony indicated that the property should not have been zoned R1. The Havre de Grace water tower is presently located on the site and certainly would be an inappropriate site for the construction of a single-family dwelling, which would be the only principle permitted use in the R1 District. Sufficient evidence was presented to grant a rezoning of the property; however, since no rezoning was requested, a use variance is in order. According to United States Geological Survey topography quad sheets, the site is at an elevation of 420 feet, which is the "highest elevation overlooking the Havre de Grace area."


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The Hearing Examiner finds that the Applicant has met its burden of proving that there is no other reasonable use of the property within the R1 District and that the use variance would create an appropriate use for the property. The Hearing Examiner further finds that this location is needed to complete the County's emergency network for civil defense, as well as police, fire and other emergency systems. The construction of an 8 foot by 10 foot service building is necessary and is accessory to the building of the tower. Applicant's Exhibit No. 1 shows the location of the proposed UHF tower, together with the proposed building.

The Hearing Examiner finds that the property is unique; that there is no other reasonable use of the property within the R1 District; that the granting of the use variance is appropriate; that the granting of the variance will not adversely affect adjoining properties; that the granting of the variance would be in accordance with the purpose of the Code.

Accordingly, the Hearing Examiner recommends that the application for a use variance and area variance be granted, provided that the tower and service building be constructed in accordance with Applicant's Exhibit No. 2.

Date JANUARY 31, 1989

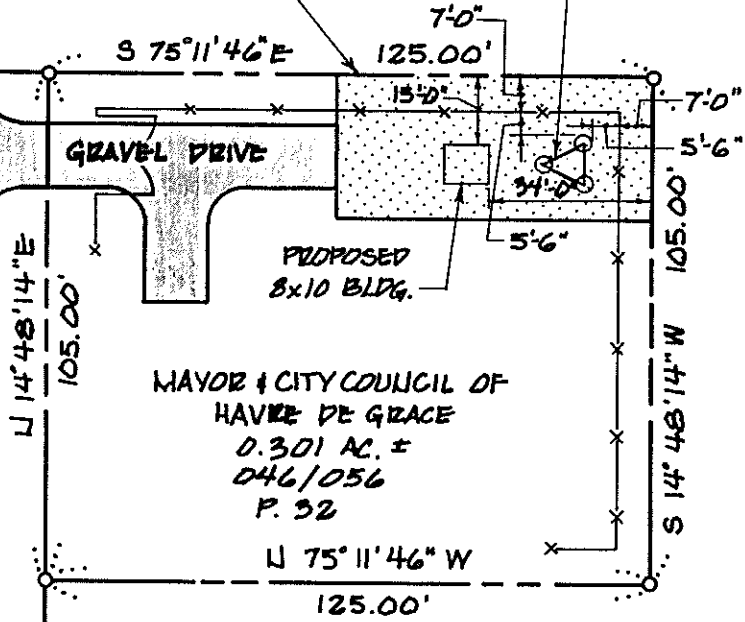
  
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Gregory A. Rapisarda  
Zoning Hearing Examiner

# LAPIDUM ROAD

TO MD. RTE 155  
LEVEL ROAD

PROPOSED  
LEASE-HOLD  
AREA 30'x65'

PROPOSED UHF  
TOWER (170')



MAYOR & CITY COUNCIL OF  
HAYES DE GRACE  
0.301 AC. ±  
046/056  
P. 32

Reddinger's Ex. No. 2



HARFORD COUNTY, MD.  
DEPARTMENT OF  
PUBLIC WORKS

## LAPIDUM ROAD PROPOSED UHF TOWER

6TH ELEC. DIST.

HARFORD COUNTY, MD.

ISSUED: 12-05-88  
REVISED: \_\_\_\_\_  
REVISED: \_\_\_\_\_  
PLATE: \_\_\_\_\_